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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/037,593	10/19/2001	Matthew P. Kulig	60022210-0157	6376

26263 7590 01/27/2009
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EXAMINER

BURGESS, BARBARA N

ART UNIT	PAPER NUMBER
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2457

MAIL DATE	DELIVERY MODE
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01/27/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

ADVISORY ACTION

The Office notes the following argument(s):

- (a) The Examiner failed to state which of the two specifications she intended in the underlined phrase "the specification".
- (b) Meeting the written description requirement is a necessary but far from sufficient condition for Lachman 2 (US Patent Application 2002/0166063 A1) to be used as prior art against instant application.
- (c) Lachman 1 (US Provisional Application 60/272,712) must meet all of the requirements of 35 U.S.C 112, first paragraph with respect to the subject matter relied upon in making the rejection.
- (d) Lachman 1 must disclose the invention claimed in Lachman 2 in the manner provided by the first paragraph of section 112.
- (e) The Examiner failed to even assert that the invention claimed in Lachman 2 is disclosed in Lachman 1 in the manner provided by first paragraph of 112.

1. Applicant's arguments filed have been fully considered but they are not persuasive.

In response to:

- (a) The Examiner stated the following:

The **provisional application, Lachman I (60/272,712)**, for which Lachman III (US Patent Application Publication 2002/0166063 A1) claims benefit, discloses subject

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matter which is described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application (US Patent Publication 2002/0166063 A1) was filed, had possession of the claimed invention.

Therefore, Lachman III can be used as prior art against the instant application.

Therefore, the effective date of the patent is the provisional date of March 1, 2001.

“The specification” in the above statement refers back to the **provisional application, Lachman I (60/272,712)**.

(b)-(e) **Lachman 2** teaches triggering an “Alert” message (DED message), as well as providing attack reports and displaying “Warning” messages (RTP message) (paragraphs [0101, 0128, 0153]).

Lachman 1 teaches this feature of an "Alert" message, as well as providing attack reports and displaying “Warning” messages (Specification, page 9, lines 10-11, page 10, lines 3-7).

Therefore, both Lachman 1 and Lachman 2 discloses inspecting data packets and issuing of a DED message and RTP message.

Lachman 2 further teaches an offensive countermeasure server/router (RTP) which can provide a pathway for initiating an offensive countermeasure against attacker. This server/router is connected to the A.N.T. system (DED) (paragraphs [0070-0071]).

Lachman 1 teaches this feature of a countermeasure router used to initiate a countermeasure against attacker. The router is connected to the A.N.T. system (DED) (Specification, page 7, lines 6-8, 15-16, 18-20, page 11, lines 11-13).

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Therefore, both Lachman 1 and Lachman 2 indeed discloses Applicant's DED and RTP.

Lachman 2 teaches an A.N.T. system that analyzes packets to determine if they match a signature of an attack type, or if they contain similar or matching data. The packet sniffing module of the system compares information within packets to detect packets comprising similar or matching information (paragraphs [0073, 0081, 0098, 0100]).

Lachman 1 teaches this feature of an A.N.T. system that analyzes packets and determines matching data. The packet sniffing module compares information within packets to detect similar or matching information (Specification, page 4, lines 19-23, page 5, lines 1-5, 10-13, page 9, lines 10-19, page 11, lines 10-14, 20-23).

Therefore, both Lachman 2 and Lachman 1 undoubtedly discloses a DED operable to search data packets for content match information.

Lachman 2 teaches the host router can deny or allow certain traffic to the host network. Packets that may part of an attack can be rejected from transmission (paragraphs [0111, 0120]).

Lachman 1 teaches the feature of the host router denying or allowing certain traffic (Specification, page 7, lines 6-8, page 11, lines 3-5).

Therefore, both Lachman 2 and Lachman 1 discloses preventing further transmission of packets.

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(d)-(e) As shown above, Lachman 1 teaches the features of Lachman 2 as used in the rejection of the instant application. Lachman 2 is disclosed in Lachman 1 in the manner provided by first paragraph of 112.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BARBARA N. BURGESS whose telephone number is (571)272-3996. The examiner can normally be reached on M-F (8:00am-4:00pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Barbara N Burgess/
Examiner, Art Unit 2457

Barbara N Burgess
Examiner
Art Unit 2457

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January 22, 2009

/ARIO ETIENNE/

Supervisory Patent Examiner, Art Unit 2457